

Entered - 01/21/04 - sb  
CL - 04L0026 - LISA CARTER

CLAIM OF: MARVIN BARBER  
3147 Panthers Trace  
Decatur, Georgia 30034

04- R -1331

ADOPTED BY  
AUG 16 2004  
COUNCIL

For damages alleged to have been sustained as a result of striking an open construction cut on December 23, 2003 at 6260 Roswell Road.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **MARVIN BARBER** the sum of **\$2,568.50** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of an automobile accident due to striking an open construction cut on December 23, 2003 at 6260 Roswell Road as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: LINDA K. DISANTIS  
CITY ATTORNEY

BY: *Jerry L. DeLoach*  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## FAVORABLE REPORT

PUBLIC SAFETY &

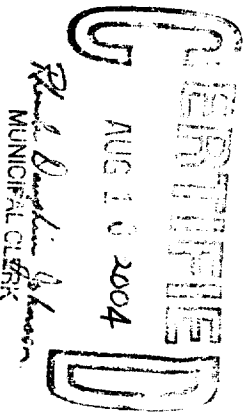
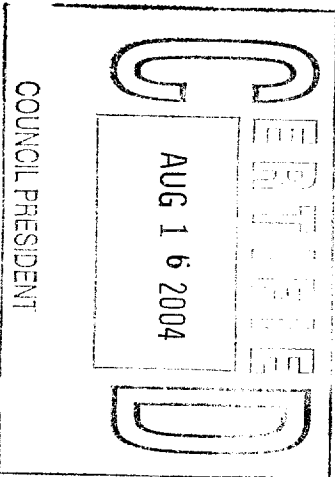
LEGAL ADMINISTRATION

DATE: 7/27/04

CHAIR:

*Vincent Morley*  
*Marie Nery-Bord*  
*C. T. Martin*  
*C. T. Martin*

APPROVED  
*Anthony Spivey*  
AUG 20 2004  
MAYOR





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-1331**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Marvin Barber** in the sum of **\$2,568.50** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a **result of striking an open construction cut on December 23, 2003 at 6260 Roswell Road**, as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/Q30001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Phonda Daughtr Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

AUG 16, 2004  
AUG 20, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0026

Date: July 13, 2004

Claimant /Victim MARVIN BARBER

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 3147 Panthers Trace Decatur, Georgia 30034

Subrogation: X Claim for Property damage \$ 5,137.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 01/16/04 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 12/23/03 Place: 6260 Roswell Road

Department Watershed Management Bureau: Water Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking an open construction cut at 6260 Roswell Road. An investigation determined that the Water Bureau was working at this location and failed to properly secure its construction cut.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 2,568.50 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2P01 \_\_\_\_\_

Claims Manager:  Concur/date 07/15/04

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5937  
8/16/04  
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 1-14 EXCEPT:04-R-1339  
04-R-1391  
ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		8-16-4 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSESED ON CONSENT
1. 04-O-1375 2. 04-O-1206 3. 04-O-1209 4. 04-O-1354 5. 04-O-1357 6. 04-O-1366 7. 04-O-0437 8. 04-O-1350 9. 04-O-1351 10. 04-O-1368 11. 04-O-1247 12. 04-O-1221 13. 04-R-1372 14. 04-R-1273 15. 04-R-1388 16. 04-R-1402 17. 04-R-1403 18. 04-R-1404 19. 04-R-1304 20. 04-R-1392 21. 04-R-1393 22. 04-R-1394 23. 04-R-1395 24. 04-R-1396 25. 04-R-1397 26. 04-R-1398 27. 04-R-1355 28. 04-R-1356 29. 04-R-1373 30. 04-R-1308 31. 04-R-1309 32. 04-R-1310 33. 04-R-1311 34. 04-R-1349 35. 04-R-1367 36. 04-R-1370 37. 04-R-1312 38. 04-R-1313 39. 04-R-1315 40. 04-R-1316	41. 04-R-1317 42. 04-R-1400 43. 04-R-1320 44. 04-R-1321 45. 04-R-1322 46. 04-R-1323 47. 04-R-1324 48. 04-R-1325 49. 04-R-1326 50. 04-R-1327 51. 04-R-1328 52. 04-R-1329 53. 04-R-1330 54. 04-R-1331 55. 04-R-1332 56. 04-R-1333 57. 04-R-1334 58. 04-R-1335	59. 04-R-1336 60. 04-R-1337 61. 04-R-1338 62. 04-R-1340 63. 04-R-1341 64. 04-R-1342 65. 04-R-1343 66. 04-R-1344 67. 04-R-1345 68. 04-R-1346 69. 04-R-1347 70. 04-R-1348